

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matters of	)	
	)	
Petition of the City of Wilson, North Carolina,	)	WC Docket No. 14-115
Pursuant to Section 706 of the Telecommunications	)	
Act of 1996, for Removal of Barriers to Broadband	)	
Investment and Competition	)	
	)	
Petition of the Electric Power Board of	)	WC Docket No. 14-116
Chattanooga, Tennessee, Pursuant to Section 706	)	
of the Telecommunications Act of 1996, for	)	
Removal of Barriers to Broadband Investment and	)	
Competition	)	

**ORDER**

**Adopted: August 27, 2014**

**Released: August 27, 2014**

**By the Acting Chief, Competition Policy Division, Wireline Competition Bureau:**

1. In this Order, the Competition Policy Division of the Wireline Competition Bureau denies a request by TechFreedom et al. (TechFreedom) for an extension of time to file comments and reply comments in the Commission's above-captioned proceedings.<sup>1</sup> On July 24, 2014, the Electric Power Board of Chattanooga, Tennessee, and the City of Wilson, North Carolina (collectively, Petitioners), filed separate petitions asking that the Commission act pursuant to section 706 of the Telecommunications Act of 1996<sup>2</sup> to preempt portions of Tennessee and North Carolina state statutes, respectively, that restrict their ability to provide certain broadband services.<sup>3</sup> On July 28, 2014, the Wireline Competition Bureau released a public notice establishing a pleading cycle in these proceedings, setting the comment date as August 29, 2014, and the reply comment date as September 29, 2014.<sup>4</sup>

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<sup>1</sup> Letter from Berin Szoka, President, TechFreedom, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 14-115 and 14-116 (filed Aug. 20, 2014) (TechFreedom Request for Extension of Time).

<sup>2</sup> Section 706 of the Telecommunications Act of 1996, Pub. L. No. 104-104, § 706, 110 Stat. 56, 153 (1996), as amended by the Broadband Data Improvement Act, Pub. L. No. 110-385, 122 Stat. 4096 (2008), is now codified in Title 47, Chapter 12 of the United States Code. See 47 U.S.C. § 1302.

<sup>3</sup> See Electric Power Board, Chattanooga, Tennessee, Petition Pursuant to Section 706 of the Telecommunications Act of 1996 for Removal of State Barriers to Broadband Investment and Competition, WC Docket No. 14-116 (filed July 24, 2014); City of Wilson, North Carolina, Petition Pursuant to Section 706 of the Telecommunications Act of 1996 for Removal of State Barriers to Broadband Investment and Competition, WC Docket No. 14-115 (filed July 24, 2014).

<sup>4</sup> See *Pleading Cycle Established for Comments on Electric Power Board and City of Wilson Petitions, Pursuant to Section 706 of the Telecommunications Act of 1996, Seeking Preemption of State Laws Restricting the Deployment of Certain Broadband Networks*, WC Docket Nos. 14-115 and 14-116, Public Notice, DA 14-1072 (Wireline Comp. Bur. rel. July 28, 2014), available at <http://apps.fcc.gov/ecfs/document/view?id=7521737783>.

2. On August 20, 2014, TechFreedom filed a request for extension of time asking the Commission to grant a one month extension for the filing of comments and reply comments in these proceedings.<sup>5</sup> TechFreedom argues that its request is justified because a number of proceedings before the Commission “are interrelated, and have overlapping comment cycles.”<sup>6</sup> It also claims that “[t]he novelty and importance” of the petitions “provide further grounds to grant an extension of time.”<sup>7</sup> TechFreedom asserts that granting an extension will not significantly delay the overall proceeding or prejudice the Petitioners because “[i]n this matter, there is no commercial deal that must be closed by a date certain, no bankruptcy, and no failing firm, so a one-month extension will have little if any effect on the overall outcome of the proceeding.”<sup>8</sup>

3. We conclude that grant of an extension of time in the above captioned proceedings is not warranted under the present circumstances. Extensions of time are not routinely granted,<sup>9</sup> and we do not believe that the circumstances cited by TechFreedom warrant a grant of additional time. Overlapping comment cycles are not unusual given the press of Commission business, and the schedule established in these proceedings affords significant time for public participation.<sup>10</sup> Similarly, Commission proceedings often involve novel and important issues, yet granting an extension is not the norm. Insofar as TechFreedom is correct to identify resolution of the proceeding as important, this indicates that an extension would *not* be harmless. Finally, given that extensions are not routinely granted, the mere absence of unusually prejudicial circumstances or an unusual likelihood of delay do not justify grant of the request. We therefore deny the TechFreedom Request for Extension of Time, and the pleading cycles originally established in WC Docket Nos. 14-115 and 14-116 will remain in effect.<sup>11</sup>

4. IT IS ORDERED that, pursuant to sections 4(i), 4(j), 5(c) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 155(c) and 303(r), and sections 0.91, 0.291, and 1.46 of the Commission’s rules, 47 C.F.R. §§ 0.91, 0.291, 1.46, the Request for an Extension of Time filed by TechFreedom et al. IS DENIED.

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<sup>5</sup> TechFreedom Request for Extension of Time at 1.

<sup>6</sup> *Id.* at 1-2. TechFreedom also states that “some organizations will be short-staffed due to pre-scheduled summer vacations.” *Id.* at 2.

<sup>7</sup> *Id.* at 2.

<sup>8</sup> *Id.*

<sup>9</sup> 47 C.F.R. § 1.46.

<sup>10</sup> With regard to the contention that participation is more difficult in summer, we do not find it to be a compelling factor, as such reasoning could just as easily apply to the filing deadlines for any Commission business conducted during the summer months. *See Applications of Comcast Corp., Time Warner Cable Inc., Charter Communications, Inc., and SpinCo For Consent to Assign or Transfer Control of Licenses and Authorizations*, MB Docket No. 14-57, Order, DA 14-1226, para. 7 (Media Bur. rel. Aug. 22, 2014).

<sup>11</sup> *See supra* para. 1.

5. IT IS FURTHER ORDERED that, pursuant to section 1.102(b)(1) of the Commission's rules, 47 C.F.R. § 1.102(b)(1), this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Randy Clarke  
Acting Chief  
Competition Policy Division  
Wireline Competition Bureau